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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/286,249	04/05/1999	BRUCE W. STELMAN	HELLO-00308	4721
28960 7590 11/12/2009 HAVERSTOCK & OWENS LLP 162 N WOLFE ROAD SUNNYVALE, CA 94086				
EXAMINER ELAHEE, MD S				
ART UNIT		PAPER NUMBER		
2614				
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11/12/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/286,249

Applicant(s)

STELMAN, BRUCE W.

Examiner

MD S. ELAHEE

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-58 and 63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-58 and 63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed on 07/22/2009. Claims 41-58 and 63 are pending. Claims 59-62 have been previously cancelled.

Response to Arguments

2. Applicant's arguments filed in 07/22/2009 have been fully considered but they are not persuasive because of the following:

Rejection under 35 U.S.C. 112, first paragraph:

The applicant argues on page 8 that the examiner did not mention a cause of rejection. Examiner respectfully disagrees with this argument. It is because the examiner already mentioned the cause.

The applicant further argues on pages 8-9 that the examiner should interpret the claim in light of the specification. It is because the claimed “**a plurality of switch configurations**” means “at least two switch configurations”. Examiner respectfully agrees with this argument. However, it does not cover any of a plurality of switch configurations that are already invented and/or patented until today in this world. In otherword, the claimed “switch matrix” can be setttable to only each of a plurality number of switch configurations as disclosed in the original specification.

The applicant further argues on pages 9-11 that one of ordinary skill in the art should be able to recognize as to how “automatically determines.....” and “determines a preferred switch

configuration.....” features be performed. It is because the features are supported by disclosed portions in page 13, lines 19-27, page 5, lines 15-19, page 7, lines 9-13, page 7, lines 18-27. Examiner respectfully disagrees with this argument. It is because, none of the cited portions of the original specification explains as to how “automatically determines.....” and “determines a preferred switch configuration.....” features be performed.

Thus, the rejection of the claims will remain.

Claim Objections

3. Claims 41-55 are objected to because of the following informalities: Claim 41 recites the limitation “the handset including a headset receive path” in line 6 of the claim. Claim 56 recites that “the headset including a headset receive path” (see line 6 of claim 56). Therefore, examiner assumes that the limitation in claim 41 will be “the headset including a headset receive path”. Appropriate correction is required.

Claim 51 is rejected for the same reasons as discussed above with respect to claim 41. Since claims 42-50 and 52-55 are dependent claims, these claims are also rejected.

4. Claims 57 and 58 are objected to because of the following informalities: Claim 57 recites the limitation “measuring a signal on the headset receive path” in line 6 of the claim. There is insufficient antecedent basis for this limitation in the claim. It appears that the limitation in claim 57 will be “measuring a signal on a headset receive path”. Appropriate correction is required.

Since claim 58 is dependent upon claim 57, this claim is also rejected.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 41-58 and 63 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter i.e., a switch matrix, settable to **any** of a plurality of switch configurations, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

For example, claim 41 recites “a switch matrix, settable to **any** of a plurality of switch configurations” (see claim 41, line 2). In pages 2-3 of applicant’s remarks filed 07/20/2005, the applicant further argues that the precise number of possible configurations are clearly and unambiguously shown in Figures 4 and 5. Additionally, the sequence of the possible configurations is shown. Thus, there is no doubt that the specification of the present application teaches a ‘switch matrix, settable to any of a plurality of switch configurations...’. From this argument it is clear that the number of possible configurations is precise in the instant application. However, it does **not** cover **any** of a plurality of switch configurations that are already **invented and/or patented until today** in this world. In otherword, the claimed “switch matrix” can be settable to only **each** of a plurality number of switch configurations **as disclosed** in the original specification.

Thus, the claim mischaracterizes the invention; a switch matrix **cannot be** settable to **any** of a plurality of switch configuration.

Claims 51, 56, 57 and 63 are rejected for the same reasons as discussed above with respect to claim 41. Since claims 42-50, 52-55 and 58 are dependent claims, these claims are also rejected.

7. Claims 41-58 and 63 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. For example, claim 41 recites “automatically determines which of the plurality of signal lines from the handset port comprise the handset port receive path” (see claim 41, lines 7-9) and “determines a preferred switch configuration from among a plurality of switch configurations based upon which of the plurality of signal lines from the handset port comprise the handset port receive path” (see claim 41, lines 9-13). In page 4 of applicant’s remarks filed 08/23/1999, the applicant argues that the support can be found for both of the limitations in page 13, lines 19-27. In pages 3-4 of applicant’s remarks filed 07/20/2005, the applicant further argues that there is no doubt for support of both of the limitations in page 17, lines 5-13 of the original specification.

After careful review of the cited portions examiner does not find the support for “automatically determines which of the plurality of signal lines from the handset port comprise

the handset port receive path". In light of the original specification, handset/headset are accessories 60 or 62 in Fig.6 which can be connected with telephone base unit 54 or 58 in Fig.6 through interface 50. The cited portion in page 17, lines 5-13 of the original specification describes that the digital MCU 100 will begin manipulating the crosspoint switch array 2 by sequentially coupling pairs of the **transmit output ports starting with the most probable pairs defined** in the system algorithms. When the digital MCU 100 senses the 1 KHz signal it will have successfully located **the appropriate transmit lines** and will latch the information. However, the cited portion does not specify whether this transmit output ports/lines are the claimed **"the handset port comprise the handset port receive path"**. The original specification fails to explain as to how "automatically determines....." and "determines a preferred switch configuration....." features be performed. One of ordinary skill in the art would not be able to make the claimed features without undue experimentation.

Claims 51, 56, 57 and 63 are rejected for the same reasons as discussed above with respect to claim 41. Since claims 42-50, 52-55 and 58 are dependent claims, these claims are also rejected.

Allowable Subject Matter

8. Claims 41-58 and 63 are allowable in view of the prior art and the application will be allowed if claim objections and the 112 issues have be corrected.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MD S. ELAHEE whose telephone number is (571)272-7536. The examiner can normally be reached on MON-FRI.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, FAN TSANG can be reached on (571)272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MD S ELAHEE/
MD SHAFIUL ALAM ELAHEE
Primary Examiner,
Art Unit 2614
November 10, 2009